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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,028	05/14/1999	MARK J. BRITTO	AMAZON.031A	2026
20995 7590 10/29/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
FELTEN, DANIEL S				
ART UNIT		PAPER NUMBER		
3696				
NOTIFICATION DATE		DELIVERY MODE		
10/29/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/312,028

Applicant(s)

BRITTO ET AL.

Examiner

DANIEL S. FELTEN

Art Unit

3696

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-61, 63-73 and 81-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-59, 64, 67, 68, 70-73, 81-84 and 86 is/are rejected.
- 7) ☒ Claim(s) 60, 61, 65, 66, 69, 85 and 87 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/30/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A Pre-Appeal Brief Review conference was held August 01, 2008 which Reopened prosecution of the application. Thus, the final rejection of claims 56-61 and 63-68, 72 and 73 are WITHDRAWN.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/30/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

3. After further consideration of applications' arguments in the Pre-Appeal Brief, the election by original presentation of claims 81-87, is hereby WITHDRAWN. Thus, claims 56-61, 63-73 and 81-87 are pending in the application and presented to be examined upon their merits.

Response to Arguments

4. Applicant's arguments with respect to the claims, they have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 59, 72 and 84 are rejected under 35 U.S.C. 101 because they are considered non-functional descriptive material (see MPEP 2106.01)

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 56-59, 64, 67, 68, 72, 73, 81-84 and 86 are rejected under 35 U.S.C. 102(e) as being anticipated by Kravitz (US 6,029,150).

8. **Re claims 56 and 81:** A computer-implemented method and computer readable medium for reducing e-commerce fraud (100) (fig. 1) (abstract), the method comprising:

--receiving a payment request at a computer system that implements a user-to-user funds transfer service (100) (102), said payment request generated by a buyer via a web form of the computer system (web browser), and specifying a seller and a payment amount to transfer to the seller (see fig. 1, column 11, lines 50-60; and column 12, lines 30-59), said payment request

being associated with a sales transaction between the buyer and the seller (see column 12, lines 30-59, esp. lines 55-51);

--in response to the payment request, performing an automated fraud check of at least said seller, said automated fraud check comprising an automated assessment of data associated with the seller, including data obtained from a third party not directly associated with the transaction (see column 25, line 60 to column 13, line 12);

Kravitz discloses the fact that the customer transfer applications may perform certain checks during the process which may include a check that the CTA has not been apprised that the designed merchant is not currently in good standing (see column 12, line 60 to column 13, line 2). Kravitz also discloses that that as an additional security measure, confirmation or cancellation of the transaction based on the displayed certificate information (see column 37, lines 7-9).

9. **Re claim 57 and 82:** the automated fraud check additionally includes an automated fraud check of the buyer (see column 8, lines 18-20).

10. **Re claim 58 and 83:** performing the automated fraud check comprises taking said payment amount into consideration in assessing a risk associated with the transaction (see column 49, lines 32-35).

11. **Re claim 59 and 84:** The limitation of the third party being a credit bureau is non-functional descriptive material (see MPEP 2106.01)

12. **Re claim 63:** performing the automated fraud check comprises authenticating the seller (see column 12, line 60 to column 13, line 2).

13. **Re claim 64:** the automated fraud check is additionally performed using data collected by the computer system from the seller via one or more web forms (see "quote" column 21, lines 1-22)

14. **Re claim 67:** performing the automated fraud check comprising using information supplied by the seller during web-based registration to assess a risk associated with the seller (see abstract) .

15. **Re claim 68:** when the automated fraud check produces an adverse indication, electronically notifying the buyer and the seller of said adverse indication (see column 12, line 60 to column 13, line 2).

16. **Re claim 72:** The limitation that the seller is an individual is non-functional descriptive material (see MPEP 2106.01)

17. **Re claim 73:** registering the buyer and the seller with the funds transfer service via a web-based user interface (column 11, line 50-60: and 12, line 45-49).

18. **Re claim 86:** the method comprises responding to the payment request by sending an electronic request for information to the seller, and using information returned by the seller in response to the request to perform the automated fraud check (see column 12, lines 30-59, esp. lines 55-51). .

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravitz (US 6,029,150) in view of Walker (US 5,794,207)

21. **Re claims 70 and 71:** Kravitz fails to disclose that the sales transaction is an Internet auction transaction. Walker teaches that auctions are sought to be used over the Internet for effectuating bilateral commerce (see Walker, column 3, line 28+). It would therefore have been obvious to integrate the use payment transactions disclosed in Kravitz over an internet auction because one of ordinary skill in the art would recognize the fact that Kravitz would be an obvious extension to the teachings of Walker providing electronic commerce security between sellers and merchants in completion of all types of sales transaction over the Internet. Thus one of ordinary skill in the art would utilize to efficiently enable payment of goods and services over the Internet, being an obvious expedient to one of ordinary skill in the art.

Allowable Subject Matter

22. Claims 60, 61, 65, 66, 69, 85 and 87 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Kravitz, does not show alone or in combination with prior art the following features:

--performing the automated fraud check comprises requesting credit information of the seller from the credit bureau, *as disclosed in claim 60*.

--performing the automated fraud check comprises using risk assessment scoring provided by said third party, *as disclosed in claim 61*

--performing the automatic fraud check comprises using a risk score to assess a risk associated with the transaction, *as disclosed in claim 65*.

--the method comprises responding to the payment request by sending an electronic request for information to the seller, and using information returned by the seller in response to the request to perform the automated fraud check, *as disclosed in claim 66*.

--when the automated fraud check produces an adverse indication, initiating a manual review by a human risk management assessor, *as disclosed in claim 69*.

--the automatic fraud check comprises using a risk score to assess a risk associated with the transaction, *as disclosed in claim 85*.

--the payment request includes an auction identifier associated with the payment request, as in claim 87.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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